

Chief Judge Marsha J. Pechman

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

JESUS GASTELUM-PAYAN

Defendant.

NO. CR15-295MJP

ORDER CONTINUING TRIAL AND
ASSOCIATED DEADLINES

This matter comes before the Court on the unopposed motion of Defendant Jesus Gastelum-Payan to continue the trial date and other associated deadlines in this matter (Dkt. # 29). The Court, having reviewed the motion, and being otherwise fully advised, finds and rules as follows.

This case is related to the matter of *United States v. Zavala-Zazueta*, CR15-259. As set forth in the pleadings filed in that matter, the *Zavala* case involved a long-term investigation into an alleged drug trafficking organization that included multiple wiretap applications. Discovery in that matter is extensive. Trial in that matter is set for March 14, 2016.

Mr. Gastelum-Payan was arrested during the execution of coordinated arrest warrants and search warrants in the related case, when he was allegedly found at a

1 residence used by one of the defendants in that other matter, in alleged possession of a
2 firearm and narcotics. While currently charged separately, the government has indicated
3 in open court that it believes it is possible, even likely, that this Defendant will be
4 charged in the related case. To that end, Mr. Gastelum-Payan has moved the Court for
5 equal access to the extensive discovery in that matter via the Court-appointed discovery
6 coordinator.

7 In addition, current counsel for Mr. Gastelum-Payan has only been recently
8 appointed to represent the defendant. On October 2, 2015, this Court conducted a
9 hearing on Mr. Gastelum-Payan's motion for appointment of new counsel, and granted
10 that motion. At the hearing, the Court informed Defendant that granting his request
11 would almost certainly result in the need to continue the trial, and Defendant indicated he
12 had no objection. Defendant subsequently filed a written waiver of his right to a speedy
13 trial through June 9, 2016. (Dkt. # 30). Accordingly,

14 THIS COURT FINDS, pursuant to Title 18, United States Code, Section
15 3161(h)(7)(B)(i) and (iv), that failure to grant the continuance in this case be a
16 miscarriage of justice, and would deny counsel for the parties the reasonable time
17 necessary for effective preparation, due to defense counsel's need for more time to
18 review the considerable volume of discovery and evidence produced and still to be
19 produced and to consider possible defenses and motions, taking into account the exercise
20 of due diligence.

21 THIS COURT FINDS, pursuant to Title 18, United States Code, Section
22 3161(h)(6) and (7), that due to the volume of discovery and other factors, the requested
23 continuance is a reasonable period of delay.

24 THIS COURT FINDS, therefore, that pursuant to Title 18, United States Code,
25 Sections 3161(h)(6) and 3161(h)(7), the ends of justice will best be served by a
26 continuance, and that they outweigh the best interests of the public and the defendant in a
27 speedy trial.

1 THIS COURT FURTHER FINDS that all of the additional time requested
2 between the current trial date of November 2, 2015, and the new trial date of April 18,
3 2016, is necessary to provide counsel for the defendant the reasonable time necessary to
4 prepare for trial.

5 NOW, THEREFORE, IT IS HEREBY ORDERED that the trial date will be
6 continued to April 18, 2016 at 9:00 a.m.

7 IT IS HEREBY ORDERED, that pretrial motions will be filed no later than
8 February 2, 2016.

9 IT IS FURTHER ORDERED that the time between this date and the new trial date
10 is excluded in computing the time within which a trial must be held pursuant to Title 18,
11 United States Code, Section 3161, et seq.

12 DATED this 2nd of November, 2015.

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17 Marsha J. Pechman
18 United States District Judge

19 Presented by:
20 ANNETTE L. HAYES
21 United States Attorney

22 /s Vincent T. Lombardi
23 VINCENT T. LOMBARDI
24 THOMAS WOODS
25 Assistant United States Attorney
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